

# LEGISLATIVE UPDATE

July 3, 2012

With the adjournment today of the General Assembly, this will be our last weekly update of activity. We will make available a summary of all laws and the budget in the near future – after the Governor has the opportunity to respond to the ratified bills. We will distribute this summary through our distribution lists and will post it to the legislative page of the State Board of Education website, <http://legislative.ncpublicschools.gov/>. Resources from this session also can be found on our website. Thanks for your interest in legislation affecting public education!

## **Summary of Key Legislation and Additional Resources**

### **On the Budget –**

The House and Senate both voted to override the Governor's veto. The budget, [\*\*HB 950 Modify Appropriations Act of 2011\*\*](#), became law at 10:41 p.m. on July 2. The provisions of the budget have been summarized in prior legislative updates.

The technical corrections to the budget, [\*\*SB 187 Modifications/2012 Appropriations Act\*\*](#), were brought to the House and Senate after negotiations by the conference committee. For public education the primary issues are changes to the teacher transfer allotment and school calendar. (For those receiving this update by email, we are providing copies of the relevant sections in SB 187.) Section 2.4(a) amends section 7.18 of HB 950 for the 2012-2013 school year to provide that, for funds related to classroom teacher positions, the salary transferred shall be based on the step corresponding to six years of experience on the "A" Teachers salary schedule. Six years of experience was a compromise position between the House and the Senate but will not help school districts much as it is very close to the first step.

The school calendar provisions are similar to those in some of the versions of the Excellent Public Schools Act. Section 2.5 provides the following:

- Requires 185 days or 1,025 hours of instruction covering at least nine calendar months.
- Eliminates the waiver of up to five instructional days if the State Board finds that it will enhance student performance.
- Changes the opening date from not before August 25 to no earlier than the Monday closest to August 26, the State Board may waive this for showing of good cause and allow the local board to set an opening date no earlier than the Monday closest to August 19. "Good cause" is limited to severe weather conditions and is defined the same as previously in statute except that partial days of closure cannot be counted. (Year-round schools also are exempted)
- Changes the closing date from not after June 10 to not later than the Friday closest to June 11
- Eliminates all waivers for educational purpose. The statute previously had allowed these waivers in order to allow a different calendar for a specific school to accommodate a special program or population of students.
- Creates an exception for cooperative and innovative high schools: these schools are not subject to calendar requirements other than 185 days or 1,025 hours of instruction covering at least nine calendar months. The exemption is written broadly to state that the requirements of the school calendar law (115C-84.2) do not apply to these schools. This would appear to go much broader than just the opening and closing date given the breadth of this statute.
- Creates the same exception for Charlotte Mecklenburg (identified by the characteristics in the law of bordering another state and serving a minimum of 135,000 students) for its schools that are part of a public private partnership. This also is written broadly to eliminate compliance with all of 115C-84.2 for these schools.

The other change is to provide in Section 25.5 for five days of annual leave bonus to State, community college, or local board of education employees. This expires June 30, 2013.

### **Bills that made progress July 2-3**

The House and Senate both adjourned on July 3. The following bills affecting public education were passed by the House and Senate in the last hours of the session.

**HB 837 Completion of CPR by Students Required** This will require successful completion of CPR for graduation by the 2014-2015 school year.

**SB 707 School Violence Prevention Act** A minor change was made in the conference committee and both the House and Senate concurred. The provisions in this bill have been described in earlier legislative updates and will be explained again in the 2012 legislative update.

**SB 847 General Statutes Comm. Technical Corrections** This lengthy bill spans a wide range of topics. A provision that relates to public education is addressed in sections 53-55. This eliminates a codified requirement for annual reporting of information related to students with immediate family members in the military and changes it to a one time survey and a new codified principal duty in 115C-288 to “develop a means for identifying and serving the unique needs of students who have immediate family members in the active or reserve components of the Armed Forces of the United States.”

**SB 227 School Bus Crash Reports Name Disclosure** This is a brief bill that limits disclosure of a child’s name in relation to a school bus crash. It amends G.S. 20- 166.1(h)(3) to provide as follows:

that the name and address of a minor child involved in a school bus crash who is a passenger on a school bus may only be disclosed to (i) the local board of education, (ii) the State Board of Education, (iii) the parent or guardian of the child, (iv) an insurance company investigating a claim arising out of the crash, (v) an attorney representing a person involved in the crash, and (vi) law enforcement officials investigating the crash. As used in this subdivision, school bus also includes a school activity bus as defined by G.S. 20- 4.01(27).

**HB 244 State Health Plan/Add Schools; Whistleblowers** This allows Sterling Montessori Academy and Charter School and the Casa Esperanza Montessori Charter School to elect to become participating employing units in the State Health Plan for Teachers and State Employees.

### **Listing of Ratified Bills (waiting for response by the Governor before becoming law)**

The following bills have been passed by the House and Senate. The Governor has ten days from when presented with the bill to sign it, not sign it, or veto it. This listing will be updated after the ten-day period to move these bills to either laws or vetoed bills.

**HB 177 Environmental Technical Corrections 2011** (Samuelson, McElraft)

An Act to make clarifying, conforming, and technical amendments to various laws related to the environment and natural resources.

*6/28/2012 Ratified, presented to the Governor*

[HB 244 State Health Plan/Add Schools; Whistleblowers](#) (Murry)

An Act to authorize Sterling Montessori Academy and charter school, the Casa Esperanza Montessori Charter School, and Kestrel Heights School to elect to participate in the State Health Plan for Teachers and State Employees and to provide protections for whistle-blowers alleging fraud or other misconduct related to the State Health Plan.

*7/3/2012 Ratified, presented to the Governor*

[HB 837 Completion of CPR by Students Required](#) (Carney, Justice)

An Act to make successful completion of instruction in CPR available to all students with a plan to phase in completion of CPR instruction as a high school graduation requirement by 2015.

*7/2/2012 Ratified*

*7/3/2012 Presented to the Governor*

[HB 1074 Stop Waste, Fraud, and Abuse in Govt. Act.](#) (Moffitt)

An Act to make changes to the statutes governing the Teachers' and State Employees' Retirement System, the Local Governmental Employees Retirement System, and the Disability Income Plan of North Carolina to enhance the operation of the medical board; to establish guidelines for fraud investigations that will enhance the Department of State Treasurer's capability to prevent and detect fraud, waste, and abuse; to create a rebuttable presumption of fraud in the average final compensation calculation; and to make it a Class 1 misdemeanor to fraudulently receive the retirement benefit of a deceased disability retiree at least two months after the retiree's death.

*6/29/2012 Ratified*

[HB 1085 State Health Plan/Statutory Changes](#) (Dollar)

An Act to, for the State Health Plan for Teachers and State Employees, which covers retirees within the Retirement System, (1) amend the definition of "dependent child" in order to comply with the affordable care act, (2) limit enrollment without a qualifying event to the annual enrollment period, (3) repeal the optional program of long-term care benefits, and (4) make a clarifying change related to coinsurance.

*6/28-29/2012 Passed 2<sup>nd</sup> and 3<sup>rd</sup> reading, ratified*

[SB 187 Modifications/2012 Appropriations Act](#) (East)

An Act to make technical, clarifying, and other modifications to the Current Operations and Capital Improvements Appropriations Acts.

*7/3/2012 Ratified*

[SB 227 School Bus Crash Reports Name Disclosure](#) (Hise)

An Act to provide that the name and address of a minor child involved in a school bus crash may be disclosed only in certain circumstances.

*7/3/2012 Ratified*

[SB 707 School Violence Prevention Act](#) (Tucker)

An Act to enact the School Violence Prevention Act.

*7/3/2012 Ratified*

[SB 755 Ed. Employees Assn./Equal Access Act.](#) (Tommy Tucker)

An Act to enact the Equal Access Act.

*6/27/2012 Passed 2<sup>nd</sup> and 3<sup>rd</sup> reading in the House*

*6/28/2012 Ratified*

[SB 803 Retirement Administrative Changes](#) (Stevens)

An Act to make changes to the administration of the state retirement systems.

*6/26-28/2012 Passed 2<sup>nd</sup> and 3<sup>rd</sup> reading in the House, Senate concurred with the House committee substitute*

*6/29/2012 Ratified*

**SB 810 Regulatory Reform Act of 2012** (Rouzer, Brown, Davis)

An Act to (1) reestablish the Joint Legislative Administrative Procedure Oversight Committee; (2) make various technical and clarifying changes to the Administrative Procedures Act; (3) extend the effective date for changes to final decision-making authority in certain contested cases; (4) limit the period during which records of unclaimed property must be maintained; (5) require agencies to give written notice before auditing or examining a business; (6) clarify that the discharge of waste into waters of the state does not include the release of air contaminants into the outdoor atmosphere; (7) authorize rather than require the commission for public health to adopt rules for the testing of water from new drinking water wells for certain volatile organic compounds; (8) direct the Department of Environment and Natural Resources to track and report on permit processing times; (9) delay the effective date for compliance with wading pool fencing requirements from July 1, 2012, to January 1, 2013; and (10) direct the Commission for Public Health to amend the rules governing the duration of permits for sanitary landfills and the period in which those permits are reviewed, as recommended by the Joint Regulatory Reform Committee.

*6/27/2012 Senate concurred with the House committee substitute*

*6/28/2012 Ratified*

**SB 815 Reform Workforce Development** (Hartsell)

An Act initiating reform of the workforce development laws of North Carolina, modifying the composition of the North Carolina Commission on Workforce Development, and establishing the Joint Legislative Workforce Development System Reform Committee, as recommended by the [Joint Legislative Program Evaluation Oversight Committee](#) based on recommendations from the Program Evaluation Division.

*6/25/2012 Passed 2<sup>nd</sup> and 3<sup>rd</sup> reading in the House*

*6/26/2012 Ratified, presented to the Governor*

**SB 847 General Statutes Comm. Technical Corrections** (Hartsell)

An Act to make technical corrections to the General Statutes, including specifically authorizing the reviser of statutes to print drafters' comments to three acts enacted in 2011 in which this authorization was inadvertently omitted, as recommended by the general statutes commission, and to make other amendments.

*7/3/2012 Ratified*

**Bills in the Short Session that Have Become Law**

**SL 2012-5** **HB 1063 Excuse School Day for Johnson Co. School** (Langdon)

An Act to give the Johnston County Board of Education additional flexibility with regard to instructional time lost at McGee's Crossroads Elementary School.

**SL 2012-6** **SB 582 Authorize Indian Gaming/Revenue** (Apodaca, Davis, Nesbitt)

An Act to authorize additional Class III gaming on Indian lands pursuant to a Tribal-State Gaming Compact, to create the Indian Gaming Education Revenue Fund, and to appropriate funds.

This would provide the necessary authorizing legislation for the First Amended & Restated Tribal State Compact entered into by Governor Perdue and the Eastern Band of Cherokee Indians.

**SL 2012-13** **HB 966 Teacher Prepayment and Salary/Pre-K Eligibility** (Holloway, Johnson, Blackwell, Hilton) (See also companion bill, SB 823)

An Act to repeal the prohibition on teacher prepayment provision in the School and Teacher Paperwork Reduction Act of 2011, as recommended by the [Joint Legislative Education Oversight Committee](#). The repeal returns salary payment requirements in G.S. 115C-302.1(b) to language existing prior to the 2011 Session.

**SL 2012-24 HB 322 Haywood School Board Filing Fee** (Rapp, Haire)

An Act to allow the Haywood County Board of Elections to extend the filing period if no person files for a seat on the Haywood County Board of Education.

**SL 2012-27 HB 1065 Use Moore County School Buses for 2012 US Open** (Boles, Hackney)

An Act to allow the Moore County Board of Education to (i) permit the use of public school buses to serve the transportation needs of the 2014 U.S. Open Golf Tournament and (ii) begin the 2013-2014 school year one week earlier.

**SL 2012-31 HB 7 Comm. Colleges/Opt of Fed'l Loan Program** (Ingle, Cleveland, McCormick)

An Act to provide that constituent institutions of the North Carolina Community College System may opt out of participation in the William D. Ford Federal Direct Loan Program.

**SL 2012-48 HB 1018 Yadkin Valley Career Academy** (Dockham)

An Act to authorize approval of the Yadkin Valley Regional Career Academy as a Cooperative Innovative High School for the 2012-2013 school year.

**SL 2012-41 HB 261 Intrastate Motor Carrier Markings** (McComas)

An Act to require intrastate motor carriers to be marked.

**SL 2012-77 SB 724 An Act to Improve Public Education** (Stein, Tillman)

An Act to implement various education reforms.

**SL 2012-89 HB 1096 Simplify Beverage Contract Bids** (Sanderson, LaRoque)

An Act to save money by removing local school administrative units from the separate bid requirements for juice and water, as recommended by the House Select Committee on Childhood Obesity.

**SL 2012-106 HB 1071 Wake School Board Organizational Meeting** (Gill, Ross, Murry, Jackson)

An Act to provide for the date for the organizational meeting of the Wake County Board of Education to be governed by general law.

**SL 2012-130 SB 804 Retirement Technical Corrections** (Stevens)

An Act to make technical and conforming changes to statutes affecting the state retirement systems.

**SL 2012-131 SB 815 Reform Workforce Development** (Hartsell)

An Act initiating reform of the workforce development laws of North Carolina, modifying the composition of the North Carolina Commission on Workforce Development, and establishing the Joint Legislative Workforce Development System Reform Committee, as recommended by the Joint Legislative Program Evaluation Oversight Committee based on recommendations from the Program Evaluation Division.

**SL 2012-133 HB 964 North Carolina Longitudinal Data System** (Blackwell, Holloway, Johnson, Jordan)

An Act to create the North Carolina Longitudinal Data System and governing board; and to provide that private colleges and universities, nonpublic schools, and the North Carolina Independent Colleges and universities are not liable for a breach of confidentiality caused by the act or omission of a state agency, local school administrative unit, community college, or constituent institution of the University Of North Carolina.

**SL 2012-142 HB 950 Modify Appropriations Act of 2011** (Brubaker)

An Act to modify the current operations and capital improvements appropriations act of 2011 and for other purposes.

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